

04-28-05

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PATENT
16CT02170



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Akira Izuhara

Serial No.: 10/719,074

Filed: November 21, 2003

For: PARALLEL-LINK TABLE AND
TOMOGRAPHIC IMAGING
APPARATUS

:
: Art Unit: 2882
:
: Examiner: Yun, Jurie
:
:

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith is:
Response To Restriction Requirement (3 pgs.), in response to Office Action dated
March 31, 2005
Transmittal Form (3 pgs.), in duplicate
Return Post Card

STATUS

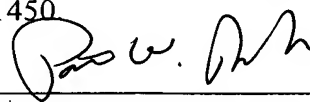
2. Applicant
☐ claims small entity status.
☒ is other than a small entity.

CERTIFICATE OF MAILING BY EXPRESS MAIL TO
THE COMMISSIONER FOR PATENTS

Express Mail No. EV459191270US

Date: April 27, 2005

I hereby certify that the documents listed above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


Patrick W. Rasche, Reg. No. 37,916

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) _____ Applicant petitions for an extension of time under 37 C.F.R. 1.136
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

| Extension for response within: | Other than small entity Fee | Small entity Fee (if applicable) |
|-----------------------------------|--------------------------------|-------------------------------------|
| _____ first month | \$ 120.00 | \$ 60.00 |
| _____ second month | \$ 450.00 | \$ 225.00 |
| _____ third month | \$ 1,020.00 | \$ 510.00 |
| _____ fourth month | \$1,590.00 | \$ 795.00 |
| _____ fifth month | \$2,160.00 | \$1,080.00 |

Fee: \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

_____ An extension of _____ months has already been secured. The fee paid
therefor \$ _____ is deducted from the total fee due for the total months
of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) X Applicant believes that no extension of term is required. However, this
conditional petition is being made to provide for the possibility that
applicant has inadvertently overlooked the need for a petition for extension
of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

| | (Col. 1) | | (Col. 2) | (Col. 3) | SMALL ENTITY | | OTHER THAN SMALL ENTITY |
|---|---|-------|---------------------------------------|------------------|----------------------------|----|----------------------------|
| | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | ADDITIONAL RATE FEE | OR | ADDITIONAL RATE FEE |
| | | MINUS | | = | x \$25.00 = \$ | | x \$50.00 = \$ |
| TOTAL INDEP. | | MINUS | | = | x \$100.00 = \$ | | x \$200.00 = \$ |
| — FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | + \$180.00 = \$ | | + \$360.00 = \$ |
| | | | | | TOTAL ADDITIONAL FEE \$ | OR | TOTAL ADDITIONAL FEE \$ |

(a) ☒ No additional fee for Claims is required

OR

(b) ☐ Total additional fee for claims required \$ _____

FEE PAYMENT

5. Attached is a check in the sum of \$ _____

☐ Charge Deposit Account No. 01-2384 the sum of \$ _____.
A duplicate of this transmittal is attached.

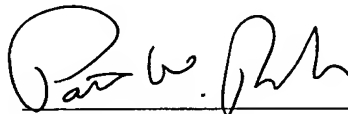
FEE DEFICIENCY

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

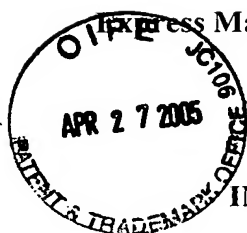
AND/OR

☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.

7. ☐ Other:



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Applicant: Akira Izuhara :
Serial No.: 10/719,074 : Art Unit: 2882
Filed: November 21, 2003 : Examiner: Yun, Jurie
For: PARALLEL-LINK TABLE AND :
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APPARATUS :

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Office Action mailed March 31, 2005, has been carefully reviewed and the following remarks have been made in consequence thereof.

A restriction to one of Group I, consisting of Claims 1-10 and 14-19, drawn to a parallel-link table, classified in class 5, subclass 601, and Group II, consisting of Claims 11-13, drawn to a tomographic imaging apparatus, classified in class 378, subclass 20 has been imposed. In response to the restriction requirement set forth in the Office Action, Applicant elects for prosecution in this application Claims 1-10 and 14-19 of Group I.

The restriction requirement is respectfully traversed because the inventions set out by the claims in Groups I and II clearly are related. Applicant respectfully submits that it is evident that the claims of Groups I and II have an overlapping nature such that a search and examination of Groups I and II can be made without serious burden. MPEP §803 states that if "the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added).

Moreover, Claim 1 includes recitations, “an upper structure for supporting said top plate, said upper structure moving relative to said top plate only in a longitudinal direction of said top plate; a base plate for supporting said upper structure, said base plate moving relative to said upper structure only in said longitudinal direction; a platform on a floor, for supporting said top plate, said upper structure and said base plate; a first bracket of a height greater than a distance between said upper structure and said base plate, said first bracket being secured to said upper structure on a side near said platform; parallel links for coupling said base plate and said platform using movable joint portions; a first position correcting link of a length half that of said parallel link, for connecting a middle point of one of said parallel links and said first bracket portion lying on said base plate in said longitudinal direction by movable joint portions; and a first actuator portion for moving said upper structure up/down with respect to said platform.”

Claim 11 includes recitations, “an upper structure for supporting said top plate, said upper structure moving relative to said top plate only in a longitudinal direction of said top plate; a base plate for supporting said upper structure, said base plate moving relative to said upper structure only in said longitudinal direction; a platform on a floor, for supporting said top plate, said upper structure and said base plate; a first bracket of a height greater than a distance between said upper structure and said base plate, said first bracket being secured to said upper structure on a side near said platform; parallel links for coupling said base plate and said platform using movable joint portions; a first position correcting link of a length half that of said parallel links, for connecting a middle point of one of said parallel links and said first bracket portion lying on said base plate in said longitudinal direction by movable joint portions; and a first actuator portion for moving said upper structure up/down with respect to said platform” in combination with the remaining recitations of Claim 11.

MPEP §805.05(c)(II) states, “If there is no evidence that combination AB_{sp} is patentable without the details of B_{sp}, restriction should not be required. Where the relationship between the claims is such that the separately claimed subcombination B_{sp}, constitutes the essential distinguishing feature of the combination AB_{sp} as claimed, the inventions are not distinct and a requirement for restriction must not be made, even though

the subcombination has separate utility.” Applicant respectfully submits that there is no evidence that a combination in Claim 11 is patentable without details in Claim 1. Moreover, a relationship between Claims 1 and 11 is such that a separately claimed subcombination in Claim 1 constitutes a distinguishing feature of the combination in Claim 11. Accordingly, the inventions in Claims 1 and 11 are not distinct and a requirement for restriction must not be made, even though the subcombination may have separate utility. Accordingly, Applicant respectfully submits that the restriction requirement be withdrawn.

Furthermore, Applicant respectfully submits that a thorough search and examination of either claim group would be relevant to the examination of the other group. In addition, requirements for restriction are not mandatory under 35 U.S.C. §121. Accordingly, reconsideration of the restriction requirement is requested.

Respectfully submitted,

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